



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

MISSISSIPPI VALLEY DIVISION, CORPS OF ENGINEERS

P.O. BOX 80

VICKSBURG, MISSISSIPPI 39181-0080

<http://www.mvd.usace.army.mil/>

CEMVD-PD-KM

3 September 2005

EMERGENCY PERMIT PROCEDURES FOR THE STATES OF LOUISIANA AND MISSISSIPPI WITHIN THE BOUNDARIES OF THE MISSISSIPPI VALLEY DIVISION

1. Authority: Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344) and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 USC 1413).

2. In accordance with 33 CFR Part 325.2(e)(4), emergency procedures are being initiated for authorization of work in the wake of Hurricane Katrina for local, state, and Federal agencies within the boundaries of the Mississippi Valley Division in the New Orleans and Vicksburg Districts. This emergency procedure is also being extended to utility companies, electrical, phone, and pipelines, including natural gas distribution systems. In addition, road and railroad transportation projects are included.

3. By regulation, "an emergency" is defined as a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. These emergency procedures are being put in place to save lives and property and to restore some infrastructure.

4. This Emergency Permitting Procedure has been coordinated with the following Federal and state agencies:

- a. EPA Regions IV and VI
- b. U.S. Fish and Wildlife Service, Lafayette Office
- c. FEMA
- d. Council on Environmental Quality

e. Mississippi Department of Environmental Quality - Water Quality Certification

f. Louisiana Department of Environmental Quality - Water Quality Certification

g. Louisiana Department of Natural Resources - Office of Coastal Management and Restoration

h. Mississippi State Historic Preservation Office

5. Attempts were made to contact other state and Federal agencies; however, several of these agencies or their staff were in the directly impacted areas of Hurricane Katrina and were unavailable. They are listed below:

a. U.S. Fish and Wildlife Service - Jackson, MS Office

b. Mississippi Department of Marine Resources

c. Louisiana State Historic Preservation Office

d. Mississippi Department of Wildlife Fisheries and Parks

e. Louisiana Department of Game and Fish

6. Use of this Emergency Permitting Procedure is allowed if the following procedures are followed.

a. Send the information to the following address:

U.S. Army Corps of Engineers
Mississippi Valley Division
ATTN: CEMVD-PD-KM (Emergency Procedures)
P.O. Box 80
Vicksburg, MS 39181-0080

BEFORE WORK

(1 Name of responsible party and phone:

(2) Brief description of Work, including cubic yards estimate, if appropriate.

(3) Legible map showing work area including construction drawings, if available - give county/parish name.

AFTER WORK IS COMPLETE

(1 Description of completed work

(2) Number of acres of waters of the United States and wetlands impacted.

(3) As-built drawings, if available.

b. Consent to Corps' determination if an After-the-Fact Permit will be required.

c. Consent to appropriate/reasonable mitigation as required by Corps.

d. Consent to doing the work in as environmentally friendly manner as possible.

e. Notify the Corps and State Historic Preservation Officer if historic or cultural resources are discovered during the work.

f. No impact to threatened or endangered Federally listed species under the Endangered Species Act.

g. Work should be completed in an expeditious manner

h. Work area will be restored to as near as possible to pre-project conditions.

7. This Emergency Permitting Procedure does not grant any property rights or exclusive privileges. It does not authorize any injury to the property or rights of others or obviate the need to obtain other Federal, state, or local authorizations required by law. In addition, it does not authorize interference with any existing or proposed Federal project.

8. These Emergency Procedures are valid for a period of 90 days from the date of this document. The procedures may be modified, suspended, or revoked if these activities are found to be contrary to the public interest.

9. Other existing authorizations that may help with emergency activities are as follows:

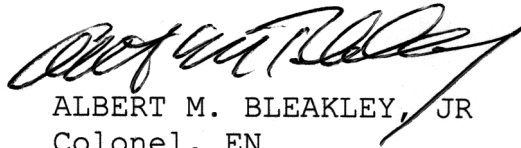
a. The Corps' Nationwide Permit Program (33 CFR 330 issued March 18, 2002), Nationwide Permit 3 for the repair of currently

serviceable structures - (copy enclosed with required conditions (encl 1)).

b. New Orleans District General Permit for Emergency Operations (#20) (encl 2). Any notifications of the New Orleans District in this permit will be directed to Mississippi Valley Division, CEMVD-PD-KM (601-634-5867).

10. Point of Contact is Mrs. Susan Hampton, 601-634-5821, susan.hampton@mvd02.usace.army.mil

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ALBERT M. BLEAKLEY, JR
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Deputy Commander